

PROVISO

SUBCOMMITTEE

RECOMMENDATIONS



LEGISLATIVE,

EXECUTIVE, AND

LOCAL GOVERNMENT

**PROVISO SUBCOMMITTEE
LEGISLATIVE, EXECUTIVE, AND LOCAL GOVERNMENT
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

SECTION 39 - P28 - DEPARTMENT OF PARKS, RECREATION AND TOURISM

39.fm **ADD (Film Marketing) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the department to use film marketing funds to allow for assistance with film industry recruitment and infrastructure development; to develop a film crew base; to develop film industry ally support; and for marketing and special events. *Act 359 of 2008 moved the SC Film Commission from the Department of Commerce to the Department of Parks, Recreation and Tourism. Proviso was moved from Department of Commerce's section. Fiscal Impact: No impact on the General Fund.*

39.fm. (PRT: Film Marketing) From the funds authorized to the Department of Parks, Recreation and Tourism in Section 39, Part 1A of this act for the South Carolina Film Commission, the department may use the film marketing funds for the following purposes: 1) to allow for assistance with recruitment and infrastructure development of the film industry; 2) to develop a film crew base; 3) to develop ally support in the film industry; and 4) marketing and special events.

39.mpr **ADD (Motion Picture Rebate) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Film Commission to offer rebates to a motion picture production company as follows: from funds set-aside by Section 12-62-50 [TAX REBATE FOR EMPLOYMENT OF PERSONS SUBJECT TO SOUTH CAROLINA INCOME TAX WITHHOLDINGS], up to 20% of the total aggregate S.C. payroll for persons employed in connection with the production who are subject to SC income tax withholdings and from funds set-aside by Section 12-62-60 [DISTRIBUTION OF ADMISSIONS TAXES; REBATES TO MOTION PICTURE PRODUCTION COMPANIES; PROMOTION OF COLLABORATIVE EFFORTS BETWEEN INSTITUTIONS OF HIGHER LEARNING AND MOTION PICTURE RELATED ENTITIES], up to 30% of the expenditures made by the company in the State. Direct that motion picture production companies that have previously been approved at the lower percentages may reapply for the higher percentages only if the project is still in production in this state as of the effective date of this provision. *Act 359 of 2008 moved the SC Film Commission from the Department of Commerce to the Department of Parks, Recreation and Tourism. Proviso was moved from Department of Commerce's section. Fiscal Impact: No impact on the General Fund.*

39.mpr. (PRT: Motion Picture Rebate) From the amount set aside pursuant to Section 12-62-50, the South Carolina Film Commission may rebate to a motion picture production company, up to twenty percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. From the amount set aside pursuant to Section 12-62-60, the South Carolina Film Commission may rebate to a motion picture production company up to thirty percent of the expenditures made by the motion picture production company in the State. Motion picture production companies that have previously been approved at the lower percentages may reapply for the higher percentages only if the project that was approved is still in production in South Carolina as of the effective date of this proviso.

39.mpa **ADD (Motion Picture Administration Application Fee) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize PRT to charge an application fee for Motion Picture Incentive programs and to retain and expend these fund to meet administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. Require a fee schedule to be established and approved by the

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Director of PRT. *Act 359 of 2008 moved the SC Film Commission from the Department of Commerce to the Department of Parks, Recreation and Tourism. Proviso was moved from Department of Commerce's section.* Fiscal Impact: No impact on the General Fund.

39.mpa. (CMRC: Motion Picture Administration Application Fee) The Department of Parks, Recreation and Tourism may charge an application fee for the Motion Picture Incentive programs and may retain and expend these funds for the purposes of meeting administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. A fee schedule must be established and approved by the Director of the Department of Parks, Recreation and Tourism.

SECTION 70 - A99 - LEGISLATIVE DEPARTMENT

- 70.1** **AMEND** (Legislative Employee Designations) Provides definitions for positions designated as (P) (T) (Interim), and (PPT). Directs the House to maintain an internal record that denotes these employees.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change the designation for (PPT) from denoting part-time temporary employees retained for full-time work "on a six month basis" to "for a period of months." Fiscal Impact: No impact on the General Fund.

70.1. (LEG: Legislative Employee Designations) The positions included in this section designated (P) shall denote a permanent employee and the salary is an annual rate. The positions designated (T) shall denote a temporary employee and the salary is for a period of six months to be paid at that rate only while the General Assembly is in session. The positions designated as (Interim) shall denote a temporary employee and the salary is for a period of six months to be paid at that rate while the General Assembly is not in session. The positions designated (PTT) shall denote part-time temporary employees on a twelve-months basis. The positions designated (PPT) shall denote permanent part-time employees retained for full-time work ~~on a six months basis~~ *for a period of months* or the duration of the legislative session. The House of Representatives shall maintain an internal record denoting permanent, temporary, interim, part-time temporary, and permanent part-time employees.

- 70.4** **AMEND** (Subsistence/Travel Regulations) Provides guidelines for subsistence, per diem, and mileage for members of the General Assembly.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the "House Standing Committee Chairman" from the advance approval process for House members to working during the interim. Make other "technical" clean-up language changes to direct that members continue to receive mileage, per diem, and subsistence at the current IRS rate. Fiscal Impact: No impact on the General Fund.

70.4. (LEG: Subsistence/Travel Regulations)

A. Members of the General Assembly shall receive subsistence expense ~~equal to the maximum allowable by regulation of the Internal Revenue Code, for the Columbia area~~ for each legislative day that the respective body is in session and in any other instance in which a member is allowed subsistence expense. No member of the General Assembly except those present are eligible for subsistence on that day. Legislative day is defined as those days commencing on the regular annual convening day of the General Assembly and continuing through the day of adjournment sine die, excluding Friday, Saturday, Sunday, and Monday.

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B. Standing Committees of the Senate and House of Representatives are authorized to continue work during the interim; however, House members must receive advanced approval by the Speaker of the House ~~or Standing Committee Chairman~~ and Senate members must receive advanced approval by the President Pro Tempore of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the members of the General Assembly shall not be paid the per diem authorized in this provision. When certified by the Speaker of the House, President Pro Tempore of the Senate, or Standing Committee Chairman, the members serving on such committees shall receive a subsistence ~~as provided in item "a." above,~~ and mileage at the rate provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds for allowances specified in this proviso shall be paid to the members of the Senate or House of Representatives from the Approved Accounts of the respective body except as otherwise may be provided.

C. Joint Study Committees created pursuant to Acts and Resolutions of the General Assembly are authorized to continue work during the interim to secure such information and complete such investigations as may be assigned to the respective committees; however, House members must receive advanced approval by the Speaker of the House ~~or Standing Committee Chairman~~ and Senate members must receive advanced approval by the President Pro Tempore of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the House and Senate members of the Joint Study Committee shall not be paid the per diem authorized in this provision. When certified by the ~~Speaker of the House, President Pro Tempore of the Senate, or Standing Committee Chairman~~ appropriate authority, the members appointed to such committees shall receive a subsistence ~~as provided in item "a." above,~~ and mileage at the rate provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The allowances specified in this proviso shall be paid from funds appropriated to the respective committees for such purposes, or from Approved Accounts of the respective body of the General Assembly if no funds have been appropriated to such a committee for these purposes.

D. Members of the Senate and the House of Representatives when traveling on official State business shall be allowed a subsistence ~~as provided in item "a." above,~~ and transportation expenses as provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees upon approval of the appropriate chairman. When traveling on official business of the Senate or the House of Representatives not directly associated with a committee of the General Assembly, members shall be paid the same allowance upon approval of the President Pro Tempore of the Senate or the Speaker of the House of Representatives. In either instance, the members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds for the allowances specified in this proviso shall be paid from the Approved Accounts of the Senate or the House of Representatives or from the appropriate account of the agency, board, commission, task force or committee upon which the member serves.

E. Members of the House of Representatives shall not be reimbursed for per diem, subsistence, or travel in connection with any function held outside of the regular session of the General Assembly unless prior approval has been received from the Speaker of the House.

~~F. Mileage reimbursement and per diem for members of the General Assembly shall be at the rate provided for by law.~~

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~~G F.~~ Notwithstanding ~~the provisions contained herein and in proviso 89.24 (Travel-Subsistence Expenses & Mileage)~~ *any other provision of law*, subsistence and mileage reimbursement for members of the General Assembly shall not exceed the level authorized by the Internal Revenue Service as of June 30, 2008 for the Columbia area.

- 70.7** **AMEND** (House Pages) Authorizes the House of Representatives to appoint up to 144 pages as provided in the House Rules.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change “as provided in the House Rules” to “pursuant to House policies and procedures.” Fiscal Impact: No impact on the General Fund.

70.7. (LEG: House Pages) Up to one hundred forty-four Pages may be appointed as ~~provided in the House Rules~~ *pursuant to House policies and procedures* and they shall be available for any necessary service to the House of Representatives.

- 70.20** **AMEND** (Joint Legislative Committee on Aging Expenses) Authorizes Joint Legislative Committee on Aging members to receive mileage, per diem, and subsistence as provided by law for members of boards, committees, and commissions. Directs that committee members who are members of the General Assembly to be paid by their respective body and members appointed by the Governor to be paid from funds appropriated to the Governor.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to direct that members of the General Assembly be paid “at the rate provided by law.” Fiscal Impact: No impact on the General Fund.

70.20. (LEG: Joint Legislative Committee on Aging Expenses) Members of the Joint Legislative Committee on Aging shall receive mileage, per diem, and subsistence as provided by law for members of boards, committees, and commissions. Members of the committee who are Senators shall have their expenses paid by the Senate, and members of the House shall have their expenses paid by the House of Representatives *at the rate provided by law*. Committee members who are appointed by the Governor shall have their expenses paid from funds appropriated to the Governor.

- 70.22** **AMEND** (Code of Law Reimbursement) Authorizes Legislative Council to require public sector recipients, except for the General Assembly and courts of record in the unified judicial system, to reimburse the council for its cost of acquiring codes of law, supplements, or replacement volumes distributed to them.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the exception for courts of record in the unified judicial system. *Due to budget reductions, there is not sufficient funds to provide these items free of charge to the courts.* Fiscal Impact: OSB states that the council estimates approximately \$38,000 in revenue would be generated for the agency. Requested by Legislative Council.

70.22. (LEG: Code of Law Reimbursement) The Legislative Council may require reimbursement from public sector recipients except for the General Assembly ~~and courts of record in the unified judicial system~~ of its cost of acquiring codes of law, supplements, or replacement volumes distributed to them.

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- 70.23 DELETE** (House Funds) Authorizes the House of Representatives to retain and carry forward funds appropriated pursuant to Act 66 of 2001 and to expend the funds for House programs and operations.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~70.23. (LEG: House Funds) Funds appropriated to the House of Representatives pursuant to Act 66 of 2001 may be retained and carried forward into the current fiscal year and expended for the purpose of covering expenses of the House's programs and operations.~~

- 70.25 DELETE** (JCGAO) Creates the Joint Committee on Government Accountability and Oversight comprised of 8 legislative members or their designee. Directs that the purpose of the committee is to review and assess the merits of the Governor's GEAR Committee report recommendations and to provide to the General Assembly any recommended improvements deemed appropriate. Authorizes the committee to make any recommendation it deems appropriate in improving government processes for efficiency and accountability and to provide its report as directed by the President Pro Tempore of the Senate and Speaker of the House.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~70.25. (LEG: JCGAO) There is hereby created the Joint Committee on Government Accountability and Oversight (JCGAO). The committee shall be comprised of eight legislative members, which shall be the President Pro Tempore of the Senate or his designee, the Speaker of the House of Representatives or his designee, the Chairman of the Senate Finance Committee or his designee, the Chairman of the House Ways and Means Committee or his designee, and each of these legislative office holders shall appoint one additional legislator. The purpose of the committee shall be to review and assess the merits of the recommendations of the report of the Governor's GEAR Committee and provide recommendations to the General Assembly as to any improvement deemed appropriate. The committee may further make any recommendation it deems appropriate in improving government processes for efficiency and accountability and shall provide its' report as directed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.~~

- 70.26 AMEND** (Joint Drivers License Reinstatement Fees Study Committee) Establishes a joint study committee to review laws currently pertaining to drivers license reinstatement fees. Provides for membership of the committee and requires designees, if appointed, be from within the respective committee or agency. Allows the committee to solicit input from prosecuting and defense attorneys, local law enforcement agencies, and other sources as deemed necessary. Directs that recommendations for legislative changes be submitted to the General Assembly by January 15, 2009, and directs that upon submission the committee be dissolved.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "2009" to "2010." Fiscal Impact: No impact on the General Fund.

70.26. (LEG: Joint Drivers License Reinstatement Fees Study Committee) A Joint Study Committee on Drivers License Reinstatement Fees is established to review all reinstatement fees currently directed by state laws. The joint study committee shall be

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composed of the Chairman of the Senate Judiciary Committee, or his designee, the Chairman of the House Judiciary Committee, or his designee, the Chairman of the Senate Finance Committee, or his designee, the Chairman of the House Ways and Means Committee, or his designee, the Director of the Department of Motor Vehicles or her designee, the Director of the Department of Public Safety or his designee, and the Chief Justice or her designee. Designees, if appointed, must be from within the respective committee or agency. The study committee may solicit input from prosecuting and defense attorneys, from local law enforcement agencies, and from other sources as deemed necessary. Recommendations for legislative changes shall be reported to the General Assembly by January 15, ~~2009~~ 2010. Upon submission of the findings, the committee shall be dissolved.

- 70.27 AMEND** (Joint Strategic Technology Committee) Creates a Joint Strategic Technology Committee and provides for membership of the committee. Directs that the purpose of the committee is to review the Statewide Strategic Information Technology Plan prepared by the B&C Board and the Agency Directors Technology Advisory Committee and make recommendations to the Senate Finance and House Ways and Means Committees by January 29, 2009 and to also recommend priorities for state government enterprise information technology projects and resource requirements beginning in the FY 09-10 budget cycle. Directs the joint committee to conduct a comprehensive review of all statutes that relate to management and use of information technology by state government; to review IT policies; and to determine methods to foster collaboration among state government users of IT and between state government and the private sector through creation of advisory committees. Directs the joint committee to recommend statutory changes to successfully implement the Statewide Strategic Information Technology Plan and management and use of IT by state government. Directs the B&C Board and all state agencies to cooperate with and provide assistance to the joint committee as requested. Directs the B&C Board Executive Director to appoint an Agency Directors Technology Advisory Committee and to determine the composition of the committee representing a cross section of state government agencies. Directs the advisory committee to provide input and advice on the Statewide Strategic Information Technology Plan and to assist and advise the Joint Strategic Technology Committee as requested.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "2009" to "2010." Fiscal Impact: No impact on the General Fund.

70.27. (LEG: Joint Strategic Technology Committee) There is created a joint committee of the General Assembly to be known as the Joint Strategic Technology Committee consisting of eight members. The Chairman of the Senate Finance Committee shall appoint four members, at least two of whom must be appointed from the Senate Finance Committee. The Chairman of the House Ways and Means Committee shall appoint four members, at least two of whom must be appointed from the House Ways and Means Committee.

The Joint Strategic Technology Committee shall have the following purposes and responsibilities:

(1) The joint committee shall review the Statewide Strategic Information Technology Plan prepared by the Budget and Control Board and the Agency Directors Technology Advisory Committee and make recommendations to the Senate Finance Committee and the House Ways and Means Committee regarding the plan by January 29, ~~2009~~ 2010. The joint committee shall also recommend priorities for state government enterprise information technology projects and resource requirements beginning in the Fiscal Year 2009-10 budget cycle;

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(2) The joint committee shall conduct a comprehensive review of all statutes relating to the management and use of information technology by state government, review state government information technology policies, and determine methods to foster collaboration among state government users of information technology and between state government and the private sector through the creation of advisory committees. Further, the joint committee shall recommend to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, for referral to the appropriate standing committees, any statutory changes appropriate for the successful implementation of the Statewide Strategic Information Technology Plan and the management and use of information technology by state government.

The Budget and Control Board and all state agencies shall cooperate with and provide assistance to the Joint Strategic Technology Committee as requested by the committee.

The Executive Director of the State Budget and Control Board shall appoint an Agency Directors Technology Advisory Committee. The Executive Director shall determine the number and composition of this committee, which shall represent a cross-section of state government agencies. This committee shall provide input and advice regarding the Statewide Strategic Information Technology Plan being developed by the State through the Budget and Control Board. The committee shall also assist and advise the Joint Strategic Technology Committee at its request.

70.mcs **ADD** (Member's Codes and Supplements) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that when a House or Senate member leaves office the codes and supplements he received must be returned to the Code Commissioner and if they are not returned the member must reimburse the Code Commissioner for their fair market valued as determined by the commissioner. Fiscal Impact: No impact on the General Fund.

70.mcs. (LEG: Members Codes and Supplements) A member of the House of Representatives or Senate, upon leaving office, shall return the codes and supplements he received upon entering the office to the South Carolina Code Commissioner. A member of the House or Senate who leaves office without returning the codes and supplements to the South Carolina Code Commissioner shall reimburse the South Carolina Code Commissioner for the value of the codes and supplements at the fair market value determined by the South Carolina Code Commissioner.

70.saa **ADD** (Statewide Acts Availability) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso direct the House and Senate Clerks to make all statewide Acts available to the public after sine die adjournment. Direct that this provision is in lieu of the House and Senate Clerks' duties related to printing and mailing statewide acts as set forth in Section 2-7-80 [PRINTING AND DISTRIBUTION OF ACTS]. Fiscal Impact: No impact on the General Fund.

70.saa. (LEG: Statewide Acts Availability) After sine die adjournment, the clerks of the House of Representatives and the Senate are to make all statewide Acts available to the public. The provisions of this section are in lieu of the House and Senate Clerks' duties related to the printing and mailing of statewide acts as set forth in Section 2-7-80 of the 1976 Code.

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SECTION 72 - D21 - GOVERNOR'S OFFICE

72.aca **ADD** (Administration of Cabinet Agencies) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to create the Cabinet Agency Administration within OEPP in an effort for cabinet agencies to be more efficient regarding administrative functions. Direct that the newly created office will coordinate all responsibilities and duties related to the administrative functions of all cabinet agencies. Direct the Governor's cabinet agencies to consolidate, where possible, like services among the agencies. Direct that like services includes, but is not limited to, finance, human resources, transportation, and technology services. Direct Cabinet Agency Administration to submit a report on the cost savings associated with the consolidation to the Chairmen of the Senate Finance and House Ways and Means Committees, and the Governor by December 31, 2009. Require cabinet agency directors to report on time they spend away from their main office during the agency's core business hours when that time is not related to the agency's mission and to submit the report on a monthly basis to the Chairmen of the Senate Finance and House Ways and Means Committees. Direct the Legislative Audit Council to conduct audits on all cabinet agencies.

72.aca. (GOV: OEPP: Administration of Cabinet Agencies) In an effort for cabinet agencies to be more efficient regarding administrative functions, there is created the Cabinet Agency Administration within the Governor's Office of Executive Policies and Programs. The newly created office will coordinate all responsibilities and duties related to the administrative functions of all cabinet agencies. The Governor's cabinet agencies are directed to consolidate, where possible, like services among the agencies. Like services shall include, but are not limited to, finance, human resources, transportation, and technology services. Cabinet Agency Administration is directed to report the cost savings associated with the consolidation. The report shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor by December 31, 2009. Cabinet agency directors must report time spent away from their main office during the agency's core business hours when this time is not related to the agency's mission. This information must be reported monthly to the Chairman of the Senate Finance Committee and the House Ways and Means Committee. The Legislative Audit Council shall conduct audits on all cabinet agencies.

SECTION 73 - E04 - LIEUTENANT GOVERNOR'S OFFICE

73.glf **ADD** (Geriatric Loan Forgiveness Program) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize a single lump sum payment of up to \$35,000 or the loan balance, whichever is less, to be made to the lending institution in lieu of quarterly payments to a recipient of the Geriatric Loan Forgiveness Program. *Reduces administrative paperwork and interest charged on the loan.* Fiscal Impact: OSB indicates there would be no impact on the General Fund. Requested by Lieutenant Governor's Office.

73.glf. (LTG: Geriatric Loan Forgiveness Program) In lieu of quarterly payments to a recipient of the Geriatric Loan Forgiveness Program, the Lieutenant Governor's Office on Aging is authorized to make a single lump sum payment to the lending institution of up to \$35,000 or the loan balance, whichever is less.

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SECTION 75 - E12 - COMPTROLLER GENERAL'S OFFICE

- 75.5 DELETE** (Suspension of Withholding) Directs that counties and municipalities that receive state aid to subdivisions funds must submit a financial report detailing their sources of revenue, expenditures by category, indebtedness, and other information as required to the Economic Research Section of the B&C Board Office of Research and Statistics. Directs the Economic Research Section to determine the content and format of the annual financial report and directs that the report for the most recently completed fiscal year must be submitted annually to the Economic Research Section by November 15th. Directs that if an entity does not meet the November 15th deadline, the chief administrative officer of the entity must be notified in writing that they have 30 days to comply. Authorizes the Director of the Office of Research and Statistics, for good cause, to grant a local entity an extension. Directs that notification by the Office of Research and Statistics to the Comptroller General that an entity has not filed the report 30 days after written notification must result in withholding 10% of subsequent payments of state aid to the entity until the report is filed. Directs that the Economic Research Section is responsible for collecting, maintaining, and compiling the financial data provided in the annual financial reports.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Proviso was codified in Section 6-1-50 by Act 57 of 2007.*

~~75.5. (CG: Suspension of Withholding) Counties and municipalities receiving revenues from state aid, described in Part 1A of this act as "aid to subdivisions", shall submit to the State Budget and Control Board, Office of Research and Statistics, Economic Research Section, a financial report detailing their sources of revenue, expenditures by category, indebtedness, and other information as the Economic Research Section requires. The Economic Research Section shall determine the required content and format of the annual financial report. The financial report for the most recently completed fiscal year must be submitted to the Economic Research Section by November fifteenth of each year. If an entity fails to file the financial report by November fifteenth, then the chief administrative officer of the entity must be notified in writing that the entity has thirty days to comply with the requirements of this paragraph. The Director of the Office of Research and Statistics, for good cause, may grant a local entity an extension of time to file the annual financial report. Notification by the Director of the Office of Research and Statistics to the Comptroller General that an entity has failed to file the annual financial report thirty days after written notification to the chief administrative officer of the entity must result in the withholding of ten percent of subsequent payments of state aid to the entity until the report is filed. The Economic Research Section is responsible for collecting, maintaining, and compiling the financial data provided by the counties and municipalities in the annual financial report required by this paragraph.~~

- 75.6 AMEND** (Purchasing Card Rebate Program) Authorizes the Comptroller General's Office to retain the first \$50,000 of Purchasing Card Program rebates. Also authorizes the Comptroller General to retain a portion of the rebate increase that exceeds the average of the rebates received by the general fund during the last three fiscal years and directs that the General Fund and the Comptroller General's Office share the increase equally, but limits the Comptroller General's share of the increase to \$150,000. Requires unexpended retained amounts to be carried forward and used for the SCEIS program. Requires funds retained by

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this provision or any cash balances in Subfund 37G7, Purchase Card Incentive Rebates, be transferred to the Department of Education to purchase school bus fuel.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change “\$50,000” to “\$100,000” and allow \$200,000 of agency incentive rebates to be retained. Delete the remainder of the proviso. Authorize retained funds to be used to support the operations of the Comptroller General’s Office and to carry forward any unexpended balance to be used for the same purpose. Fiscal Impact: Pending.

75.6. (CG: Purchasing Card Rebate Program) The Comptroller General’s Office is authorized to retain the first ~~\$50,000~~ \$100,000 of rebate associated with the Purchasing Card Program and \$200,000 of agency incentive rebates. ~~In addition, the Comptroller General’s Office shall be authorized to retain a portion of the increase, if any, in Purchasing Card Program rebates which exceeds the average of the corresponding rebates received by the general fund during the last three fiscal years, provided that the general fund and the Comptroller General’s Office shall share equally any such increase in rebates. The Comptroller General’s Office total share of such increase shall not exceed \$150,000. Unexpended retained amounts shall be carried forward into the current fiscal year and must be used for the SCEIS program.~~

~~Any funds retained in accordance with this provision by the Comptroller General’s Office or any cash balances in Subfund 37G7, Purchase Card Incentive Rebates, must be transferred to the Department of Education for the purchase of school bus fuel.~~

The funds retained may be used to support the operations of the Comptroller General’s Office and any unexpended balance may be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

SECTION 76 - E16 - STATE TREASURER’S OFFICE

76.11 **AMEND** (Penalties for Non-Reporting) Directs that if a municipality does not submit the audited financial statements required under Section 14-1-208 [ADDITIONAL ASSESSMENT, MUNICIPAL COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS] within 13 months of the end of their fiscal year, the State Treasurer must withhold all their state payments until the statement is received. Requires the State Treasurer to follow the requirements of proviso 89.70 if they receive a county or municipality audit report that contains a significant finding related to court fine reports or remittances and an amount due is specified, otherwise direct that 25% of state payments be withheld until the estimated deficiency has been satisfied. Directs the State Treasurer to withhold 25% of their state funding if a county or municipality is more than 90 days delinquent in remitting monthly court fines until all monthly reports are current. Directs that after 90 days funds held by the State Treasurer’s Office be made available to the State Auditor to conduct an audit of the entity to determine the amount due, if any, to the State Treasurer’s Office.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to specify that of a county or municipality is more than 90 days delinquent in remitting a monthly court fines “report” the Treasurer will withhold 25 % of the state funding until all monthly reports are current. *Technical.* Fiscal Impact: No impact on the General Fund. Requested by State Treasurer’s Office.

76.11. (TREAS: Penalties for Non-Reporting) If a municipality fails to submit the audited financial statements required under Section 14-1-208 of the 1976 Code to the State Treasurer within thirteen months of the end of their fiscal year, the State Treasurer must

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withhold all state payments to that municipality until the required audited financial statement is received.

If the State Treasurer receives an audit report from either a county or municipality that contains a significant finding related to court fine reports or remittances to the State Treasurer's Office, the requirements of proviso 89.70 shall be followed if an amount due is specified, otherwise the State Treasurer shall withhold twenty-five percent of all state payments to the county or municipality until the estimated deficiency has been satisfied.

If a county or municipality is more than ninety days delinquent in remitting a monthly court fines report, the State Treasurer shall withhold twenty-five percent of state funding for that county or municipality until all monthly reports are current.

After ninety days, any funds held by the State Treasurer's Office will be made available to the State Auditor to conduct an audit of the entity for the purpose of determining an amount due to the State Treasurer's Office, if any.

- 76.sa** **ADD** (Signature Authorization) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the State Treasurer to designate certain employee to sign payments for the current fiscal year in accordance with Section 11-5-140 to meet the ordinary expenses of the State. Direct that this does not relieve the State Treasurer of responsibility. *Mirrors the Comptroller General's authorization to ensure timely and uninterrupted payment of payroll and other expenses of the State.* Fiscal Impact: No impact on the General Fund. Requested by the State Treasurer's Office.

76.sa. (TREAS: Signature Authorization) The State Treasurer is hereby authorized to designate certain employees to sign payments for the current fiscal year in accordance with Section 11-5-140 of the 1976 Code to meet the ordinary expenses of the State. This provision shall in no way relieve the State Treasurer of responsibility.

SECTION 78 - E24 - ADJUTANT GENERAL'S OFFICE

- 78.9** **AMEND** (Billeting and Dining Facility Operations) Authorizes revenues collected by the Billeting and Dining Facility operations at the R. L. McCrady Training Center be retained and expended in their budgeted operations or in support of Armory maintenance or operations and directs that expenditures for Billeting operations be determined by the Billeting Committee and the Deputy Adjutant General for state operations determine expenditures for the Dining Facility.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to expand the use of the revenues to "SCMD operations, including use for matching federal funds, and armory maintenance and operations." *Provide more flexibility to meet federal match.* Fiscal Impact: No impact on the General Fund. Requested by Adjutant General's Office.

78.9. (ADJ: Billeting and Dining Facility Operations) All revenues collected by the Billeting and Dining Facility operations at the R. L. McCrady Training Center shall be retained and expended in their budgeted operations or be expended in support of ~~Armory maintenance or operations~~ SCMD operations, including use for matching federal funds, and armory maintenance and operations. Expenditures from these funds shall be determined by the Billeting Committee for Billeting operations and the Deputy Adjutant General for state operations for the Dining Facility operation.

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- 78.plr** **ADD** (Parking Lot Revenues-Columbia Armory, Buildings and Grounds) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Adjutant General to control and contractually lease the Columbia Armory and its buildings and grounds parking facilities during events at USC's Williams-Brice Stadium. Require the revenue derived from leasing these facilities to be retained by the Adjutant General's Office and be used for the Funeral Cassion. Prohibit these funds from being used for any other purpose. Fiscal Impact: Pending.

78.plr. (ADJ: Parking Lot Revenues-Columbia Armory, Buildings and Grounds) The Adjutant General may control and contractually lease the Columbia Armory, and its buildings and grounds parking facilities during events at the University of South Carolina's Williams-Brice Stadium. Funds derived wholly from the rental of the Columbia Armory, and its buildings and grounds parking facilities may be retained by the Adjutant General's Office and used for the Funeral Cassion. These funds may not be used for any other purpose.

SECTION 80A - F03 - BUDGET AND CONTROL BOARD

- 80A.1** **DELETE** (Civil Contingent Fund - Disbursements) Directs that Civil Contingent Fund appropriations shall only be spent upon unanimous approval and signed warrant requisition of the State Budget and Control Board to meet emergency and contingent expenses of state government. Prohibits Civil Contingent Fund monies from being used to provide salary increases.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Funds no longer exist.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~80A.1. (BCB: Civil Contingent Fund - Disbursements) The Civil Contingent Fund, appropriated in Section 80A of this section shall be expended only upon unanimous approval of the State Budget and Control Board, and upon warrant requisitions signed as directed by the State Budget and Control Board, to meet emergency and contingent expense of the State Government. None of the Civil Contingent Fund shall be used to increase the salary of any state employee.~~

- 80A.2** **DELETE** (Brandenburg Coordination Committee) Directs that Brandenburg Coordination Committee appropriations are to be spent to support cultural, education, agricultural, scientific, governmental or business exchanges and agreements between SC and the sister state of Brandenburg, Germany and related German interests. Directs the Commission on International Cooperation and Agreements report to the Governor and the Chairmen of the Senate Finance and House Ways & Means Committees detailing such activities.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Funds no longer exist.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~80A.2. (BCB: Brandenburg Coordination Committee) The funds appropriated in this section for the Brandenburg Coordination Committee are to be spent in support of cultural, educational, agricultural, scientific, governmental or business exchanges and agreements between South Carolina and the sister state of Brandenburg, Germany and related German interests. The Commission on International Cooperation and Agreements will report to the~~

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~~Governor, the Chairmen of the Senate Finance Committee, and the House Ways & Means Committee detailing such activities.~~

- 80A.30 AMEND** (South Carolina 911 Advisory Committee) Reestablishes the CMRS Emergency Telephone Advisory Committee which was established pursuant to Section 23-47-65 [CMRS EMERGENCY TELEPHONE ADVISORY COMMITTEE CREATED; RESPONSIBILITIES OF COMMITTEE AND STATE B&C BOARD]. Directs that the powers of that committee are devolved on the reestablished committee who are to advise the B&C Board on 911 matters. Directs that that reestablished committee is renamed the South Carolina 911 Advisory Committee. Provides for membership of the committee. Directs that the Director of the Office of Research and Statistics serve in lieu of the Director of the State Chief Information Officer Division.
- PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change "State Chief Information Officer" to "Budget and Control Board, Division of State Information Technology." *Technical name change.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

80A.30.(BCB: South Carolina 911 Advisory Committee) The CMRS Emergency Telephone Advisory Committee established pursuant to Section 23-47-65 of the 1976 Code and which terminated after August 1, 2004, is reestablished for the current fiscal year as it was established in Section 23-47-65. The powers of that committee are devolved on the reestablished committee and the committee shall advise the Budget and Control Board on 911 matters. However, this reestablished committee is renamed the South Carolina 911 Advisory Committee and the ex officio membership of the State Auditor is replaced by a State Budget and Control Board Division Director appointed by the Governor, who shall serve ex officio. The Director of the Office of Research and Statistics shall serve in lieu of the Director of the ~~State Chief Information Officer~~ Budget and Control Board, Division of State Information Technology. Also, the member who is an employee of a telephone service supplier must be an employee of a local exchange access facility service supplier licensed to do business in this State.

- 80A.37 AMEND** (First Responder Interoperability) Directs the B&C Board, through the State Chief Information Officer, to administer and coordinate First Responder Interoperability operations for the statewide Palmetto 800 MHz radio system to better coordinate public safety disaster responses and communications and establishes funding guidelines. Requires a Palmetto 800 participant or private county or city 800 MHz radio system to provide a 67% match to qualify to receive these funds and to further provide such documentation as the Division of CIO requires to verify that the match requirement is met. Authorizes unexpended funds to be carried forward used for the same purpose. Excludes First Responder Interoperability funds from the B&C Board's base budget in the calculation of any across-the-board budget reduction mandated by the B&C Board or General Assembly. Requires the B&C Board provide a report on the integration status of the statewide Palmetto 800 MHz radio system. Direct that the report include, but not be limited to, a list of entities not integrated into the system as of the end of FY 2007-08 and the reason why they are not integrated. Directs that the report be submitted by September 1, 2008 to the Chairmen of the Senate Finance and House Ways and Means Committees.
- PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change references to "State Chief Information Officer" to "Division of State Information Technology." Delete the specific match requirement of "67%" and instead direct the B&C Board, Division of State Information Technology to establish the level of required match each

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year based on funding provided. Change the report due date from "September 1, 2008" to "October 1" annually. *Technical name change and conform match to available state funding.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

80A.37.(BCB: First Responder Interoperability) The Budget and Control Board, through its ~~division of the State Chief Information Officer~~ Division of State Information Technology, is directed to administer and coordinate First Responder Interoperability operations for the statewide Palmetto 800 MHz radio system to better coordinate public safety disaster responses and communications. First Responder Interoperability administration and coordination shall be funded as provided in this Act. The cost-proportional funds shall be utilized for radio user fees of state agencies and public safety first responders (Fire, EMS and Law Enforcement) that participate in the statewide Palmetto 800 MHz radio system (Palmetto 800 participants). The ~~division of the State Chief Information Officer~~ Division of State Information Technology, in consultation with the State Law Enforcement Division, the Department of Public Safety, and the State Emergency Management Division, and a representative of the S. C. Sheriff's Association, shall set a baseline number of radios used by each Palmetto 800 participant based on the technical aspects of the Palmetto 800 MHz radio system and the jurisdictional requirements of the participant. If a Palmetto 800 participant reduces the baseline number of radios in use, the amount of funds allocated for the participant's radio user fees shall be reduced in a proportional amount. The funds shall also be utilized to provide private county and city 800 MHz radio systems with grant funds to be used for purchases of equipment that support interoperability with the statewide Palmetto 800 MHz radio system and its users. Grant funds shall be allocated to private county and city 800 MHz radio systems based on the criteria used for Palmetto 800 Participants and in amounts proportional to the amounts allocated to support the per-site radio user fees of Palmetto 800 participants. A matching share of ~~67%~~ is required by a Palmetto 800 participant or by a private county or city 800 MHz radio system in order to qualify for receipt of funds pursuant to this proviso. Each fiscal year the Budget and Control Board, through the Division of State Information Technology, shall establish the level of match required based upon funding provided by this Act. These entities shall be required to furnish such documentation as may be required by the Division of ~~the CIO~~ State Information Technology to verify that the matching funds requirement is met. Upon funding state agency and public safety first responder user fees and private county and city 800 MHz equipment purchases, any remaining funds may be used to enhance and expand the statewide Palmetto 800 MHz radio system. All funds shall be held in a separate account established by the Board for the purposes set forth herein. Any unexpended portion of these funds may be carried forward and used for the same purpose. In the calculation of any across-the-board budget reduction mandated by the Budget and Control Board or General Assembly, the amount appropriated to the Budget and Control Board for First Responder Interoperability must be excluded from the Board's base budget.

The Budget and Control Board shall provide a report on the status of the integration of the statewide Palmetto 800 MHz radio system which shall include, but not be limited to, a list of entities who are not integrated into the system as of the end of ~~Fiscal Year 2007-08~~ the immediately preceding fiscal year and the reason why they are not integrated. The report shall be submitted by ~~September 1, 2008,~~ October 1, of the current fiscal year to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

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- 80A.44 DELETE** (SCEIS Business Case Study) Directs the B&C Board to have a study conducted to update the South Carolina Enterprise Information System (SCEIS) business case study that was originally conducted in 2003. Directs that the study be updated to reflect current conditions and to review and update projected savings to agencies. Directs the study be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees by December 1, 2008 and directs that the Comptroller General's Office provide the funds to pay for the update.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The study has been completed.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**80A.44.** (BCB: SCEIS Business Case Study) The Budget and Control Board is directed to have a study conducted to update the South Carolina Enterprise Information System business case study originally conducted in 2003. The study shall update the 2003 business case study to reflect current conditions and review and update projected savings to agencies. The results of the study shall be reported to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 1, 2008. The Comptroller General's Office shall provide funding to pay for the update.~~

- 80A.45 DELETE** (SCEIS Agency Implementation Guide) Directs the B&C Board to prepare an Agency Implementation Guide by January 23, 2009 for the agencies who are required to participate in the South Carolina Enterprise Information System. Directs that the guide provide guidance for SCEIS implementation and for potential savings identified in the updated business case study. Directs that the guide serve as a basis to agencies as they report their savings from SCEIS implementation to the Senate Finance and House Ways and Means Committees so that the committees may take that information into account as they develop the annual budget.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The guide has been completed.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**80A.45.** (BCB: SCEIS Agency Implementation Guide) The Budget and Control Board shall have prepared by January 23, 2009, an Agency Implementation Guide for agencies required to participate in the South Carolina Enterprise Information System (SCEIS). The Agency Implementation Guide should provide agencies guidance for implementation of SCEIS and guidance to potential savings identified in the updated business case study performed pursuant to other provisions in this Act. This guide will serve as a basis to agencies as they report their savings from the SCEIS implementation to the Senate Finance Committee and House Ways and Means Committee, so that the committees may take into account these savings as they develop the annual budget.~~

- 80A.49 DELETE** (Payment of Layman Judgment) Authorizes the Insurance Reserve Fund to spend funds necessary to resolve the outstanding fee award judgment entered by the Supreme Court against the defendants in Layman, et. al. vs. the State of South Carolina, et. al. Directs that funds spent for this purpose as well as lost interest earning calculated by the State Treasurer will be reimbursed to the reserve fund. Authorizes and direct the Comptroller General to reimburse the Insurance Reserve Fund from state funds that have lapsed or been remitted to the general fund at the end of FY 07-08. States that such reimbursement is the first priority for use of these funds. Directs that if these funds are not sufficient to reimburse the reserve

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fund, the percentage of funds agencies are allowed to carry forward under proviso 89.29 (10% carry forward) are to be reduced.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Fee award has been resolved and paid and the IRF has been reimbursed as required.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

80A.49. (BCB: Payment of Layman Judgment) ~~The Insurance Reserve Fund is authorized to expend funds necessary to resolve the outstanding fee award judgment entered by the Supreme Court against the defendants in Layman, et al. vs. The State of South Carolina, et al. Any funds expended by the Insurance Reserve Fund to resolve this fee award judgment will be reimbursed as well as any lost investment earnings as calculated by the State Treasurer.~~

~~The State Comptroller General is authorized and directed to reimburse the Insurance Reserve Fund for any funds it expends and lost earnings to resolve the fee award judgment entered by the State Supreme Court in Layman, et al. vs. The State of South Carolina, et al. The source of funds the Comptroller General shall use for reimbursement are state funds lapsed or remitted to the general fund at the end of Fiscal Year 2007-08. Reimbursement of the Insurance Reserve Fund is the first priority for such lapsed and remitted funds regardless of any provisions of law to the contrary including provisions of this act for Fiscal Year 2008-09. To the extent that this identified fund source is inadequate to reimburse the Insurance Reserve Fund, the Comptroller is directed to reduce the percent of agency appropriations that may be carried forward under the authority of Part IB, General Provisions, proviso 89.28 that allows agencies to carry forward up to ten percent of their general funds.~~

80A.cb **ADD** (Southern States Energy Board) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the B&C Board to use State Energy Office funds to pay the Southern States Energy board membership dues. Fiscal Impact: No impact on the General Fund.

80A.cb. (BCB: Southern States Energy Board) The Budget and Control Board is directed to utilize funds authorized for the State Energy Office to pay membership dues to the Southern States Energy Board.

SECTION 80C - F30 - BUDGET AND CONTROL BOARD, EMPLOYEE BENEFITS

80C.5 **DELETE** (Forego One Month's Health Insurance Premium Employer Contributions) Instructs the Employee Insurance Program to forgo billing one month's health insurance program employer contributions on behalf of active employees in FY 08-09. Directs each state agency, by September 30, 2008, to remit the amount of premium savings, as determined by the Employee Insurance Program, to the State Treasurer for deposit in a fund separate from the general fund. Authorizes agencies to use any source of funds except federal for this payment. Directs the State Treasurer to disburse these funds as follows: up to \$3,125,000 to the State Election Commission for the 2008 General Election, to the extent that sufficient monies are not available in the CRF for FY 07-08, with the balance to the Department of Education for school bus fuel and parts. Authorizes unexpended funds appropriated pursuant to this provision to be carried forward to succeeding fiscal years and expended for the same purposes.

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PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Proviso was specifically for FY 08-09. Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.*

80C.5. (BCB/EB: Forego One Month's Health Insurance Premium Employer Contributions) ~~The Employee Insurance Program is instructed to forego one month's billing of health insurance program employer contributions on behalf of active employees in Fiscal Year 2008-09.~~

~~Each state agency, as so classified by the Employee Insurance Program for purposes of providing health insurance, by September 30, 2008, shall remit the amount of premium savings as determined by the Employee Insurance Program to the State Treasurer for deposit in a fund separate and distinct from the general fund of the State and all other funds, which is hereby established within the State Treasury. Each state agency is authorized to use funds from any revenue source except federal funds for this payment. By this paragraph, these remittances are deemed to have occurred and are available for appropriation. From the amount recouped from state agencies and transferred to the separate fund established pursuant to this paragraph, the State Treasurer shall disburse the following amounts appropriated for the purposes stated: up to \$3,125,000 to the State Election Commission for the 2008 General Election, to the extent that sufficient monies are not available in the Capital Reserve Fund for Fiscal Year 2007-2008, with the balance to the Department of Education for school bus fuel and parts. Unexpended funds appropriated pursuant to this paragraph may be carried forward to succeeding fiscal years and expended for the same purposes.~~

SECTION 84 - V04 - DEBT SERVICE

84.1 **AMEND** (Excess Debt Service Funds Carry Forward) Authorizes excess Debt Service funds to be carried forward from FY 07-08 and be spent for debt service purposes in FY 08-09.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update the fiscal year reference to "2007-08" to "2008-09" and "2008-09" to "2009-10." Fiscal Impact: Pending.

84.1. (DS: Excess Debt Service Funds Carry Forward) Excess Debt Service funds from Fiscal Year ~~2007-08~~ 2008-09 may be carried forward and expended for debt service purposes in Fiscal Year ~~2008-09~~ 2009-10.

SECTION 85 - X12 - AID TO SUBDIVISIONS, COMPTROLLER GENERAL

85.1 **AMEND** (Salary Supplements) Provide for the distribution of salary supplements to county Clerks of Court, Probate Judges, Coroners, Sheriffs, Register of Deeds, and Auditors and Treasurers. State the intent of the General Assembly that county appropriations for these salaries not be reduced as a result of this appropriation.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to exempt these funds from any across the board cut mandated by the B&C Board or General Assembly. Fiscal Impact: Pending.

85.1. (AS-CG: Salary Supplements) The amounts appropriated in Part IA, Section 85, for Aid Cnty-Clerks of Court, Aid Cnty-Probate Judges, Aid Cnty-Coroners, and Aid Cnty-Sheriffs shall be distributed by the Comptroller General to each county treasurer equally, and shall be used as a salary supplement for each clerk of court, probate judge, county coroner,

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and county sheriff. The amounts appropriated in Part IA, Section 85, for Aid Cnty-Register of Deeds, shall be equally distributed by the Comptroller General to the appropriate county treasurer, and shall be used as a salary supplement for registers of deeds. The amount appropriated in Part IA, Section 85, for Aid Cnty-Auditors and Aid Cnty-Treasurers, shall be equally distributed to each county auditor and county treasurer as a salary supplement in addition to any amounts presently being provided by the county for these positions. It is the intent of the General Assembly that the amount appropriated by the county as salaries for these positions shall not be reduced as a result of the appropriation and that such appropriation shall not disqualify each county auditor and each county treasurer for salary increases that they might otherwise receive from county funds in the future. The salary supplement for each county auditor and county treasurer shall be paid in accordance with the schedule and method of payment established for state employees. The amounts appropriated in Part IA, Section 85 for Clerks of Court, Probate Judges, Sheriffs, Register of Deeds, Coroners, Auditors, and Treasurers shall be exempt from any across the board cut mandated by the Budget and Control Board or General Assembly.

SECTION 89 - X90 - GENERAL PROVISIONS

- 89.2** **AMEND** (Appropriations From Funds) Directs that funds appropriated from the General Fund, EIA Fund, Highways and Public Transportation Fund and other applicable funds are to meet the ordinary expenses of the State for FY 2008-09.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update fiscal year reference to FY 2009-10. *Technical.* Fiscal Impact: No impact on the General Fund.

89.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year ~~2008-09~~ 2009-10, and for other purposes specifically designated.

- 89.3** **AMEND** (Fiscal Year Definitions) Defines current and prior fiscal year time frames.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update fiscal year references: change “2008” to “2009”; “2009” to “2010”; and “2007” to “2008.” *Technical.* Fiscal Impact: No impact on the General Fund.

89.3. (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, “current fiscal year” means the fiscal year beginning July 1, ~~2008~~ 2009, and ending June 30, ~~2009~~ 2010, and “prior fiscal year” means the fiscal year beginning July 1, ~~2007~~ 2008, and ending June 30, ~~2008~~ 2009.

- 89.18** **DELETE** (MUSC Hospital Services Rates) Directs the Board of the Medical University Hospital Authority to provide hospital services, including psychiatric hospital services, to state employees and state government officials at a rate that does not exceed the rates the employee’s insurance program(s) provides to hospitals. Excludes physician fees, psychiatric professional provider fees, and all dental.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

89.18. (GP: MUSC Hospital Services Rates) ~~The Board of the Medical University Hospital Authority shall provide hospital services, including psychiatric hospital services, to~~

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~~state employees and officials of state government at a rate not to exceed the payment rates to hospitals provided by the employee's insurance program(s). Physician fees, psychiatric professional provider fees, and all dental are not included.~~

- 89.33** **AMEND** (Travel Report) Requires the Comptroller General to issue an annual report on November 1st listing detailed information on state employee's prior year travel expenditures and distribute the reports to the Senate Finance and House Ways and Means Committees and to the Statehouse Press Room. Authorizes the Comptroller General to use up to \$500 to provide copies to the media and public upon request.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to exclude registration fees with objects codes of 0507 and 0517 from the report. *Remove a non-travel expenditure from the annual report.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

89.33. (GP: Travel Report) Annually on November 1, the Comptroller General shall issue a report on travel expenditures for the prior fiscal year which shall be distributed to the Senate Finance Committee, the House Ways and Means Committee, and the Statehouse Press Room. The Comptroller General may use up to \$500 of general fund appropriations for the purpose of providing copies to the media or the public upon request. The report must contain a listing for every agency receiving an appropriation in the annual General Appropriations Act. The listing must show at a minimum the top ten percent of employees for whom travel expenses and registration fees were paid within each agency, not to exceed twenty-five employees per agency. Agencies should include position titles for each of the top twenty-five travelers for each agency. Expenditures must include state, federal and other sources of funds. Expenditures for registration fees with object codes 0507 and 0517 must be excluded. The list for each agency must be in rank order with the largest expenditure first and the name of the employee must be shown with each amount. Agencies should include a brief summary of the type of travel the agency incurs. The Comptroller General may provide additional information as deemed appropriate. The Comptroller General shall provide no exceptions to this report in that the information contained is not considered confidential or restricted for economic development purposes. However, further disclosure of detailed information shall be restricted as provided for by law.

- 89.34** **AMEND** (School Technology Initiative) Authorizes K-12 technology initiative funds to be used by the Department of Education, in consultation with the B&C Board's Chief Information Officer, the State Library, and ETV to administer the K-12 technology initiative funds. Directs that the funds are to provide technology, encourage effective use of technology in K-12 public schools, conduct cost/benefit analyses of the various technologies and to involve public-private sector collaborative efforts. Authorizes funds to be used to establish pilot projects for new technologies with selected school districts. Authorizes the funds to be retained and carried forward to be used for the same purpose.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "Chief Information Office" to "Division of State Information Technology." *Technical name change.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

89.34. (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the Department of Education, in consultation with the Budget and Control Board's ~~Chief Information Office~~ Division of State Information Technology, the

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State Library and Educational Television Commission shall administer the K-12 technology initiative funds. These funds are intended to provide technology, encourage effective use of technology in K-12 public schools throughout the state, conduct cost/benefit analyses of the various technologies and should, to the maximum extent possible, involve public-private sector collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts as part of the evaluation process. K-12 technology initiative funds shall be retained and carried forward to be used for the same purpose.

- 89.70 AMEND** (Assessment Audit) Requires the State Auditor, based on a random selection process, to periodically examine county treasurers, municipal treasurers, county clerks of court, magistrates, and municipal courts books, accounts, receipts, disbursements, vouchers, and any records deemed necessary to report whether the assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed or mandated by law in family, circuit, magistrates, and municipal courts are properly collected and remitted to the State. Directs that the audits are to also determine if the proper funds have been reported, retained, and collected for victim services according to state law. Directs the State Auditor to submit a copy of the audit report to the chairmen of the House Ways and Means, Senate Finance, House Judiciary, Senate Judiciary Committees and the Governor. Provides for the handling of any audit findings; funding of audits; submission of a municipality's annual audit report; the penalty for failure to properly file the report; and for annual training on the collection and distribution of the assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed or mandated by law.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete reference to the State Auditor notifying the State Treasurer if any authority has "over reported or over retained crime victim funds." Direct the State Auditor to notify the State Office of Victim Assistance if he finds that any authority has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds. Authorize the State Office of Victim Assistance to conduct programmatic reviews on any entity that receives victim assistance funding to ensure that such funds are spent in accordance with the law. Require a local entity that receives victim assistance funding to submit their budget to the State Office of Victim Assistance within 30 days of the budget being approved by the local governing entity. Require the entity to cooperate and provide expenditure/program data requested by the State Office of Victim Assistance. Direct that if the State Office of Victim Assistance finds an error, the entity has 90 days to rectify the error. Direct that an error constitutes an entity spending victim assistance funding on unauthorized items. Direct the State Office of Victim Assistance to notify the State Treasurer if the entity does not rectify the error within 90 days. Direct the State Treasurer to withhold 25% of the entity's aid to subdivisions until the State Office of Victim Assistance notifies the State Treasurer that error has been rectified. Authorize the State Office of Victim Assistance to assess and collect a penalty of up to \$5,000 against the entity for improper expenditures in a fiscal year. Direct all penalties receive by the State Office of Victim Assistance to be credited to the general fund. Fiscal Impact: Pending.

89.70. (GP: Assessment Audit) (1) Based upon a random selection process, the State Auditor shall periodically examine the books, accounts, receipts, disbursements, vouchers, and any records deemed necessary of the county treasurers, municipal treasurers, county clerks of court, magistrates, and municipal courts to report whether the assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed or mandated, or both, by law in family court, circuit court, magistrates court, and municipal

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court are properly collected and remitted to the State. In addition, the purpose of these audits is to determine if the proper amount of funds have been reported, retained, and allocated for victim services in accordance with state law. These audits must be performed in accordance with standard auditing practices to include the right to respond to findings before the publishing of the audit report. The State Auditor is directed to submit a copy of the completed audit report to the Chairmen of the House Ways & Means Committee, Senate Finance Committee, House Judiciary Committee, Senate Judiciary Committee, and the Governor. If the State Auditor finds that any authority has over remitted the state's portion of the funds collected by the authority ~~or over reported or over retained crime victim funds~~, the State Auditor shall notify the State Treasurer to make the appropriate adjustment to the authority. If the State Auditor finds that any authority has under remitted, incorrectly reported, incorrectly retained, or incorrectly allocated the state or victim services portion of the funds collected by the authority, the State Auditor shall determine where the error was made. If the error is determined to have been made by the county or municipal treasurer's office, the State Auditor shall notify ~~the State Office of Victim Assistance for the crime victim portion~~ and the chief administrator of the county or municipality of the findings and, if full payment has not been made by the county or municipality within ninety days of the audit notification, the State Treasurer is directed to adjust the authority's aid to subdivisions funding in an amount equal to the amount determined by the State Auditor to be the state's portion; or equal to the amount incorrectly reported, retained, or allocated pursuant to Sections 14-1-206(B)(D), 14-1-207(B)(D), 14-1-208(B)(D), and 14-1-211(B) of the 1976 Code. If the State Auditor finds that any authority has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, the State Auditor shall notify the State Office of Victim Assistance. The State Office of Victim Assistance is hereby authorized to conduct programmatic reviews on any entity receiving victim assistance funding to ensure that crime victim funds are expended in accordance with the law. Any local entity who receives funding from victim assistance is required to submit their budget to the State Office of Victim Assistance within thirty days of the budget being approved by the local governing entity. In addition, any entity receiving victim assistance funding must cooperate and provide expenditure/program data requested by the State Office of Victim Assistance. If the State Office of Victim Assistance finds an error, the entity has ninety days to rectify the error. An error constitutes an entity spending victim assistance funding on unauthorized items. If the entity fails to rectify the error within ninety days, the State Office of Victim Assistance shall notify the State Treasurer. The State Treasurer shall withhold twenty-five percent of the entities aid to subdivisions until the State Office of Victim Assistance notifies the State Treasurer that the entity has rectified the error. The State Office of Victim Assistance may assess and collect a penalty of not more than \$5,000 against the entity for improper expenditures in a fiscal year. All penalties receive by the State Office of Victim Assistance shall be credited to the General Fund of the State.

If an error is determined to have been made at the magistrate, municipal, family, or circuit courts, the State Auditor shall notify the responsible office, their supervising authority, and the chief justice of the State. If full payment has not been made by the court within ninety days of the audit notification, the chief magistrate or municipal court or clerk of court shall remit an amount equal to the amount determined by the State Auditor to be the state's portion or the crime victim fund portion within ninety days of the audit notification.

(2) The State Auditor is further authorized to conduct these examinations and the local authority is required to participate in and cooperate fully with the examination. The State Auditor is authorized to subcontract with independent auditors on audits required in

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subsection (1). The State Auditor is encouraged to create an audit team to perform these audits. The State Treasurer is authorized to transfer the first \$10,900 received from the General Sessions Court pursuant to Section 14-1-206, the first \$136,600 received from the Magistrates Court pursuant to Section 14-1-207, and the first \$102,500 received from the Municipal Court pursuant to Section 14-1-208 for a total of \$250,000 dollars to the State Auditor's Office to fund these audits as required in subsection (1). A state agency or local governmental entity receiving assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed or mandated, or both, by law in family court, circuit court, magistrates court and municipal court is authorized to use any of their funds to assist the State Auditor's Office in funding these audits.

(3) Each municipality shall submit a copy of its annual audit report as provided in Section 5-7-240 of the 1976 Code without charge to both the State Treasurer's Office and the State Auditor's Office within thirty days of such report being made public. If a municipality fails to provide the copy of the annual audit within the above prescribed time period the State Treasurer's Office is authorized to withhold the municipality's aid to subdivision until the annual audit report is properly filed.

(4) The State Treasurer's Office and South Carolina Court Administration shall make available annually training on the collection and distribution of assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed or mandated, or both, by law in family court, circuit court, magistrates court and municipal court for the counties, municipalities, and court employees.

(5) The State Treasurer is authorized to transfer \$2,000 received from the General Sessions Court pursuant to Section 14-1-206, \$5,000 received from Magistrates Court pursuant to Section 14-1-207, and \$3,000 received from Municipal Court pursuant to Section 14-1-208 for a total of \$10,000 to fund annual training on the collection and distribution of assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed or mandated, or both, by law in family court, circuit court, magistrates court, and municipal court for the counties, municipalities, and court employees. The State Treasurer's Office and South Carolina Court Administration shall be responsible for the annual training prescribed by this section.

89.87 AMEND (LightRail) Authorizes and directs the three research universities, Clemson, MUSC, and USC-Columbia to plan, procure, administer, oversee, and manage all functions associated with the S.C. LightRail [*High Speed Internet*] and directs that they are exempt from the oversight and project management regulations of the State Chief Information Officer. Directs that S.C. LightRail is an academic network for the use of the state's 3 research universities for the exchange of information directly related to their mission and must not carry commercial or K-12 traffic originated in S.C. Directs that for FY 08-09 public or private organizations and entities may be provided access only through formal documented partnerships with one or more of the 3 research universities. Directs that a report be submitted on February 1, 2009 that identifies each entity with access to the network and any payment including without limitation in-kind payment, each organization and entity is making for network access.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "State Chief Information Officer" to "Budget and Control Board, Division of State Information Technology" and update fiscal and calendar year references to 2009-10. *Technical name change.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

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89.87. (GP: LightRail) Pursuant to this provision the three research universities: Clemson University, the Medical University of South Carolina, and the University of South Carolina-Columbia, are authorized and directed to plan, procure, administer, oversee, and manage all functions associated with the South Carolina LightRail and are thereby exempt from the oversight and project management regulations of the ~~State Chief Information Officer~~ Budget and Control Board, Division of State Information Technology. South Carolina LightRail is an academic network for the use of the state's three research universities for the exchange of information directly related to their mission and must not carry commercial or K-12 traffic originated in South Carolina. For Fiscal Year ~~2008-09~~ 2009-10, public or private organizations and entities may be provided access only through formal documented partnerships with one or more of the three research universities. On February 1, ~~2009~~ 2010, the entity managing the network must submit to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee a report specifically identifying each entity with access to the network and any payment, including without limitation in-kind payment, that each such organization and entity is making for access to the network.

- 89.104 DELETE** (Suspend FTE Deletion Process and Travel Report) Suspends the requirements of provisos 80A.13 (Vacant Positions); 80.17 (Personal Service Reconciliation, FTEs) Subitem 2(c) and Subitem 5; and 89.34 (Travel Report).
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

89.104. (GP: Suspend FTE Deletion Process & Travel Report) ~~The requirements contained in the following provisions of Act 310 of 2008 are hereby suspended for Fiscal Year 2008-09: 80A.11 (BCB: Vacant Positions); 89.16 (GP Personal Service Reconciliation, FTEs) Subitem 2(c) and Subitem 5; and 89.33 (GP: Travel Report).~~

- 89.105 DELETE** (Competitive Community Grants Funds Transfer) Directs the following Competitive Grant funds carried forward from the prior fiscal year be transferred to the Department of Corrections: \$4,055,720 from the B&C Board; \$6,239 from the Department of Commerce; \$2,390,957 from PRT; and \$1,842,837 from DHEC. Direct that the Department of Corrections use the funds to offset agency budget reductions.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Funds have been transferred.* Fiscal Impact: No impact on the General Fund.

89.105. (GP: Competitive Community Grants Funds Transfer) ~~From the following agency's accounts, Competitive Community Grants Program appropriations carried forward from the prior fiscal year shall be transferred to the Department of Corrections: Budget and Control Board—\$4,055,720; Department of Commerce—\$6,239; Department of Parks, Recreation and Tourism—\$2,390,957; and Department of Health, Environment and Control—\$1,842,837. These funds shall be used by the Department of Corrections to offset agency budget reductions.~~

- 89.rt ADD** (RIF Plan/ TERI Employees) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that before an agency can implement a reduction in force plan they must eliminate any TERI employee who does not have grievance rights under the State Employee Grievance Procedure Act who would be in the same proposed competitive areas and groups that would be contained in the RIF plan.

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89.rt. (GP: RIF Plan/TERI Employees) *Notwithstanding any other provision of law, any agency planning to implement a reduction in force plan shall eliminate any TERI employee who does not have grievance rights under the State Employee Grievance Procedure Act who would be in the same proposed competitive areas and competitive groups that would be contained in the reduction in force plan before the agency can implement the reduction in force plan.*

SECTION 90 - X91 - STATEWIDE REVENUE

- 90.1** **AMEND** (Year End Expenditures) Directs year-end expenditure deadlines.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change July 31, "2009" to "2010" and July 16, "2009" to "2010." *Technical.* Fiscal Impact: No impact on the General Fund.

90.1. (SR: Year End Expenditures) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary expenses of the State Government shall lapse on July 31, ~~2009~~ 2010. State agencies are required to submit all current fiscal year input documents to the Comptroller General's Office by July 16, ~~2009~~ 2010. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State Budget and Control Board and Joint Bond Review Committee, toward the accomplishment of the purposes for which the appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State Budget and Control Board, toward the accomplishment of the purposes for which the appropriations were provided.

- 90.9** **DELETE** (Nonrecurring Revenue) Provides for distribution of \$53,414,358 of non-recurring revenue derived from various sources and disbursed by the State Treasurer to agencies for specific purposes. Authorizes unexpended funds appropriated by this provision to be carried forward.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Technical.* Proviso was specifically for FY 08-09. Fiscal Impact: No impact on the General Fund.

90.9. (SR: Nonrecurring Revenue) ~~(A) The source of revenue appropriated in this provision is \$53,414,358 of non-recurring revenue generated from the following sources, transferred to the State Treasurer, and subsequently deposited in a fund separate and distinct from the General Fund as established within the State Treasurer's Office: (1) the State Treasurer shall transfer \$12,108,453 of the excess cash balance from E16, State Treasurer's Office, Subfund 3879, Unclaimed Property; (2) the Budget and Control Board shall transfer the excess balance from F30, B&C Employee Benefits; (3) the Department of Agriculture shall transfer \$14,424,482 of the funds appropriated by Act 122 of 2007 for the Farmers Market and carried forward from the prior fiscal year; and (4) excluding the revenues distributed to Barnwell County and South Carolina waste generators, the State Treasurer shall transfer the first \$17,253,596 of the FY 2007-08 revenue credited to the Nuclear Waste Disposal Receipts Distribution Fund from the Barnwell Low Level Waste Facility for use in this provision and all revenues in excess of \$17,253,596 must be credited to an escrow~~

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~~account created within the Budget and Control Board. The escrow account must be used to offset any operating shortfalls resulting from the facility's operations.~~

~~(B) The State Treasurer shall disburse the following appropriations by September 1, 2008, for the purposes stated:~~

(1) H63 Department of Education	
(A) Public School Child Development Education	
Pilot Program.....	\$ 15,774,750;
(B) Assessments.....	\$ 1,000,000;
(C) Textbooks.....	\$ 3,331,413;
(D) Summer Schools.....	\$ 12,000,000;
(E) Teacher Supplies to \$275.....	\$ 807,094;
(2) E04 Lieutenant Governor's Office	
Home and Community Based Services.....	\$ 2,900,000;
(3) H03 Commission on Higher Education	
University Center of Greenville.....	\$ 1,112,229;
(4) H12 Clemson University	
LightRail.....	\$ 700,000;
(5) H27 University of South Carolina - Columbia	
LightRail.....	\$ 700,000;
(6) H51 Medical University of South Carolina	
LightRail.....	\$ 700,000;
(7) H24 South Carolina State University	
BRIDGE Program-Minority Teacher Recruitment.....	\$ 250,000;
(8) H37 University of South Carolina-Lancaster Campus	
Operating Expenses.....	\$ 100,000;
(9) H59 State Board for Technical & Comprehensive Education	
Center for Accelerated Technology.....	\$ 3,000,000;
(10) P20 Clemson University-PSA	
Operating Expenses.....	\$ 275,000;
(11) P21 South Carolina State University -PSA	
1890 Research and Extension.....	\$ 370,028;
(12) P28 Department of Parks, Recreation, and Tourism	
Destination Specific Grants.....	\$ 5,000,000;
(13) E20 Attorney General's Office	
State of SC v State of NC - Water Transfer.....	\$ 1,400,000;
—and	
(14) E23 Commission on Indigent Defense	
Public Defenders & Staff.....	\$ 3,993,844 and
Total Appropriations.....	\$ 53,414,358.
Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.	

90.10 DELETE (Refund Excess Federal Unemployment Compensation Fund Balance) Authorizes the Comptroller General to refund the federal portion of the excess Unemployment Compensation Fund, Subfund 4007 fund balance to the federal government.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Technical. Proviso is a companion to 90.11 which is being deleted.* Fiscal Impact: No impact on the General Fund.

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90.10. (SR: Refund Excess Federal Unemployment Compensation Fund Balance) ~~The Comptroller General is authorized to refund to the federal government the federal portion of excess cash balance in the Unemployment Compensation Fund, Subfund 4007.~~

- 90.11** **DELETE** (Unemployment Compensation Excess Cash Balance) Directs the Comptroller General and the State Treasurer to transfer the following sources of excess cash balance to the State General Fund by September 1, 2008 to be used as a source to support appropriations: \$30,400,000 from E12, Comptroller General's Office, Subfund 4007, Unemployment Compensation Fund and \$2,891,547 from E16, State Treasurer's Office, Subfund 3879, Unclaimed Property. Directs that these transfers are deemed to have occurred and are available for use in FY 08-09 after September 1, 2008 following the close of the state's books on FY 07-08.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Technical. Proviso was specifically for FY 08-09.* Fiscal Impact: No impact on the General Fund.

90.11. (SR: Unemployment Compensation Excess Cash Balance) ~~The Comptroller General shall transfer \$30,400,000 to the State General Fund by September 1, 2008, from the excess cash balance from E12, Comptroller General's Office, Subfund 4007, Unemployment Compensation Fund and the State Treasurer shall transfer \$2,891,547 of the excess cash balance from E16, State Treasurer's Office, Subfund 3879, Unclaimed Property to be used as a source to support appropriations. These transfers are deemed to have occurred and are available for use in Fiscal year 2008-09 after September 1, 2008, following the Comptroller General's close of the state's books on Fiscal Year 2007-08.~~

- 90.12** **DELETE** (Transfer of Deed) Suspends the provisions of Section 48-59-75 [S.C. CONSERVATION BANK ACT: RESTRICTION ON TRANSFER OF DEED RECORDING FEES TO TRUST FUND] for the FY 08-09. Directs the SC Conservation Bank, for FY 08-09, to transfer \$7,000,000 of the deed recording fees received in the current fiscal year to the Department of Education for school bus fuel. Directs that contractual obligations that existed as of the effective date of this act be honored before any transfer is executed. Directs that cash balances carried forward from the prior fiscal year be used first to meet contractual obligations and agency operating expenses.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Technical. Proviso was specifically for FY 08-09.* Fiscal Impact: No impact on the General Fund.

90.12. (SR: Transfer of Deed) ~~For Fiscal Year 2008-2009, Section 48-59-75 is suspended. For Fiscal Year 2008-09, the South Carolina Conservation Bank shall transfer \$7,000,000 of the deed recording fees received in the current fiscal year to the Department of Education to be used for school bus fuel. Contractual obligations that existed as of the effective date of this act shall be honored before any transfer is executed. Cash balances carried forward from the prior fiscal year shall be utilized first to meet the South Carolina Conservation Bank contractual obligations and agency operating expenses.~~